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SEE SIGNATURE PAGE FOR
ADDITIONAL PARTIES AND COUNSEL

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

DELAWARE RIVERKEEPER
NETWORK, and the DELAWARE
RIVERKEEPER, MAYA VAN ROSSUM,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, and ANDREW
R. WHEELER, in his official capacity as
Administrator of the United States
Environmental Protection Agency,

Defendants.

No. 2:20-cv-3412-MMB

**MOTION TO INTERVENE BY THE
STATES OF LOUISIANA, MONTANA,
ARKANSAS, MISSISSIPPI, MISSOURI,
TEXAS, WEST VIRGINIA, AND
WYOMING**

The States of Louisiana, Montana, Arkansas, Mississippi, Missouri, Texas, West Virginia, and Wyoming (collectively, “State Intervenor”) respectfully move pursuant to Federal Rule of Civil Procedure 24 to intervene as defendants in the above-captioned litigation. The grounds for the motion are: (a) the motion is timely; (b) the State Intervenor has significant protectable interests as sovereigns, regulators, proprietors, and advocates for the challenged rule; (c) the disposition of this action could impede the State Intervenor’s ability to protect those interests; (d) the current parties do not adequately represent the interests of the State Intervenor; and (e) the State Intervenor’s position in support of the revised regulations plainly involves common questions of law and fact with this action, and their direct opposition to Plaintiffs’ claims satisfies the “common question” requirement for permissive intervention.. This motion is based on the supporting Memorandum of Points and Authorities; the accompanying Declaration of Joseph S. St. John (“St. John Decl.”); and any further papers filed in support of this motion, the argument of counsel, and all pleadings and records on file in this matter. Additionally, State Intervenor submit their proposed Answer in response to the Complaint, which is attached hereto.

Counsel for the State of Louisiana corresponded with counsel for the parties on August 20, 2020. Plaintiffs and the United States took no position on this motion.

WHEREFORE, State Intervenor respectfully request that the Court GRANT their Motion to Intervene and permit State Intervenor to intervene as Defendants in this proceeding.

Dated: August 28, 2020

Respectfully submitted,

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